

Notice of Allowability

Application No.

09/666,110

Applicant(s)

VAN DYKE ET AL.

Examiner

Art Unit

Richard Ellis

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and amendment filed 3/10/2005.
2. ☒ The allowed claim(s) is/are 1-72.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

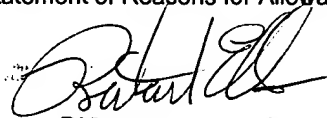
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date - - - .
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20050310
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


RICHARD L. ELLIS
PRIMARY EXAMINER

1. An Examiner's Amendment/Comment to the record appears below.
2. The drawings are objected to under 37 CFR § 1.74 because they fail to provide a required reference character. 37 CFR § 1.74 states:

37 CFR § 1.74 Reference to drawings.

When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter).

In the case of applicant's fig. 9C, the specification at pg. 163, line 11 makes reference to "The full instruction" in a sentence that is stated as so:

'The full instruction, with its side-band complement 920, is called a "formatted instruction."'

However, in fig. 9C, there is no reference character associated with "the full instruction".

Accordingly, the specification makes reference to an element in the drawings in direct violation of 37 CFR § 1.74 which states that "the detailed description ... **shall** refer ... to the different parts by use of reference letters or numerals (preferably the latter)". Reference character 920 (which is referred to by the specification) is adjacent to a box containing labels "OPCODE", through "32-BIT IMMEDIATE OR DISPLACEMENT" and the context of the reference by the specification indicates that "the full instruction" refers to both the box containing "OPCODE" through "32-BIT IMMEDIATE OR DISPLACEMENT" as well as the box referenced as 920. However, no reference character has been provided for the box containing "OPCODE" through "32-BIT IMMEDIATE OR DISPLACEMENT". Correction is required.

3. Applicant is reminded that when correcting this violation of the requirements of 37 CFR § 1.74 that not only must fig. 9C be amended to include a reference character, but the specification must be amended in all appropriate locations to refer to that reference character.
4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR § 1.67(a) identifying this application by Serial Number and filing date is required. See MPEP 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration (see 37

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CFR § 1.52(c) and 1.57).

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (571) 272-4165. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.
- If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (571) 272-4162. The fax phone number for the USPTO is: (703)872-9306.
- Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Richard Ellis
March 24, 2005



RICHARD L. ELLIS
PRIMARY EXAMINER